

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

INSTINCTIVE MARKETING SOLUTIONS, an Illinois Corporation)	FILED: JUNE 13, 2008
)	08CV3419
)	JUDGE CASTILLO
)	MAGISTRATE JUDGE KEYS
Plaintiff)	
)	
)	
)	
)	
)	
		TC
v.)	
)	
)	
)	
REPROGRAPHICS NORTHWEST, LLC, a California Limited Liability Company)	
)	
)	
)	
Defendant)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1441 and 1446, defendant Reprographics Northwest, LLC (“Reprographics”) requests that case number 08 L 004836, pending in the Circuit Court of Cook County, Illinois, County Department, Law Division, be removed to the United States District Court for the Northern District of Illinois. In support, Reprographics states:

1. On May 2, 2008, Instinctive Marketing Solutions (“Instinctive”) filed a complaint against Reprographics in the Circuit Court of Cook County, Illinois, County Department, Law Division for breach of contract. *See* complaint and summons, attached as Exhibit A. Instinctive is claiming \$131,275.57 in damages. *Id.*
2. On May 19, 2008, Reprographics was served with the summons and complaint. *See* Exhibit B, receipt of service of summons.
3. No further proceedings in this matter have taken place in the Circuit Court of Cook County.

4. Instinctive is an Illinois corporation and its principal place of business is located in Illinois. Reprographics is a California limited liability company and its principal place of business is located in California. Reprographic's sole member is a California corporation and its principal place of business is in California.

5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1), as the parties to this lawsuit are diverse and the claim brought by Instinctive exceeds \$75,000.00.

5. Copies of this Notice of Removal are being served on Instinctive and filed with the Circuit Court of Cook County.

WHEREFORE, Reprographics Northwest, LLC requests that the Court order that this matter to be removed from the Circuit Court of Cook County, Illinois, County Department, Law Division, to the United States District Court for the Northern District of Illinois.

REPROGRAPHICS NORTHWEST, LLC

By: /s Cassandra M. Crane
One of Its Attorneys

Anthony C. Valiulis
Cassandra M. Crane
Much Shelist Denenberg
Ament & Rubenstein, P.C.
191 North Wacker Drive, Suite 1800
Chicago, Illinois 60606-1615
(312) 521-2000
Atty. Id. No. 80580

EXHIBIT A

MAY 2 PM '08
FILED
CLERK'S OFFICE
CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

INSTINCTIVE MARKETING SOLUTIONS,) No.
an Illinois Corporation,)
)

Plaintiff,)
)

v.)
)

REPROGRAPHICS NORTHWEST, LLC., a)
California Limited Liability Company,)
)

Defendant.)

2008L004836
CALENDAR/RDMH v
TIME 00:00
Breach of Contract

COMPLAINT AT LAW

Now Comes Plaintiff, INSTINCTIVE MARKETING SOLUTIONS, an Illinois Corporation ("Plaintiff"), by its attorneys, THE CHAET KAPLAN BAIM FIRM, and complains of the Defendant, REPROGRAPHICS NORTHWEST, LLC., a California Limited Liability Company ("Defendant"), as follows:

1. Plaintiff is in the business of commercial printing.
2. Defendant ordered the printing described on the invoice attached hereto as Exhibit "A".
3. Thereafter, Defendant authorized their affiliate company, American Reprographics, LLC., a California Limited Liability Company d/b/a THE IDM Group/Mossner IDM ("Mossner IDM") to act as their agent regarding all transactions with themselves and the Plaintiff.
4. At all times material, Peter Perales was agent and servant of Mossner IDM and transacted business within the course and scope of his agency and servitude.

5. The transaction, which gave rise to the causes of action complained of herein, arose in the State of Illinois, County of Cook. Venue is proper in the State of Illinois, County of Cook.
6. The transactions and instructions between the Plaintiff and Defendant's Agent, Pete Perales, took place at Mossner IDM office located at 200 North Michigan Avenue, Chicago, Illinois 60601.
7. Under the terms of the agreement, Defendant agreed to pay Plaintiff \$128,099.02 for the printing in Illinois.
8. Plaintiff delivered the printing to Defendant.
9. Defendant accepted the printing.
10. Defendant is responsible for payment of all invoices.
11. Defendant has breached the contract by failing to pay for the printing in the amount of \$128,099.02.
12. Plaintiff has made demand upon Defendant for the payment of \$128,099.02, and Defendant has refused and continues to refuse to make payment.
13. Beginning December 3, 2007, pursuant to 815 ILCS 205/2, Plaintiff claims pre-judgment interest at the statutory rate of 5%, in the amount of \$3,176.55 through June 1, 2008, and \$17.55 per day thereafter until judgment is entered for Defendant's unreasonable and vexatious delay in making payment.

WHEREFORE, Plaintiff, INSTINCTIVE MARKETING SOLUTIONS, an Illinois Corporation, respectfully requests entry of a judgment against Defendant, REPROGRAPHICS NORTHWEST, LLC., a California Limited Liability Company, in the amount of \$128,099.02,

plus interest in the amount of \$3,176.55 through June 1, 2008, and \$17.55 per day thereafter, for a total judgment in the amount of \$131,275.57, plus additional interest and costs.

Respectfully submitted,

INSTINCTIVE MARKETING SOLUTIONS, an Illinois Corporation,
Plaintiff herein,


Michael S. Baim
Attorney for Plaintiff

THE CHAET KAPLAN BAIM FIRM
Attorneys for Plaintiff
30 North LaSalle St., Suite 1520
Chicago, Illinois 60602
(312) 704-8510
Firm No: 37942

AFFIDAVIT OF CLAIM PURSUANT TO 735 ILCS 5/1-109

The undersigned, under penalties as provided for by law pursuant to 735 ILCS 5/1-109, certifies the statements set forth herein to be true and correct:

1. I am an individual doing business as Instinctive Marketing Solutions, of Carol Stream, IL;
(City and State Address)
2. I am the owner of Instinctive Marketing Solutions, a corporation incorporated under the laws of the State of IL and that there is an account in favor of Instinctive Marketing Solutions and against Repro Graphics, in the amount of one hundred twenty eight thousand ninety nine dollars and two cents (\$128,099.02) plus interest and attorney's fees in accordance with Illinois Statute and/or contract, if applicable; that no part claimed within this affidavit has been paid or satisfied, and that there are no offsets or counterclaims, to my knowledge or belief.

Pursuant to Supreme Court Rule 222:

THIS CLAIM [DOES_X_] [DOES NOT ____] EXCEED \$50,000.00.

THE CHAET KAPLAN BAIM FIRM
Attorneys for Plaintiff
30 North LaSalle Street, Suite 1520
Chicago, Illinois 60602
(312) 704-8510

SUBSCRIBED AND SWORN TO
BEFORE ME this 16 day of

April, 2008.

Tina A. Murphy
NOTARY PUBLIC



/

FROM : Rican Sheetfed

FAX NO. : 6305109455

Jan. 29 2008 01:07PM P3

Invoice



529 North First Street
Geneva, IL 60134

Date	Invoice #
12/3/2007	2969

Bill To

Kepro NW
1850 130th Ave
N2 Bellevue, WA 98005

Description	Amount
Panera Pastry Tags 4396 @ 8.60/sheet	36,945.60
Franchise Pastry Tags 1690 (@ 8.60/sheet)	14,534.00
Finish sheet size to be 11 x 17 - 15 UP	
3/0 black plate change	
2.64x2.59 die cut size - must be held with 2 or 4 nicks on 11x17 quadrants	
15 pt. styrene	
Film laminated	
OVERTIME	9,144.00
MESSENGER FEES	299.90
FREIGHT	67,175.52
PLAINTIFF'S EXHIBIT	
Total	\$128,099.02

**PLAINTIFF'S
EXHIBIT**

A

Total

\$128,099.02

of 11/18/08
2:15pm

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

INSTINCTIVE MARKETING,
SOLUTIONS, an Illinois Corporation,)
Plaintiff,) No. 2008L004836
v.) CALENDAR/ROOM V
REPROGRAPHICS NORTHWEST, LLC., a) TIME 09:00
California Limited Liability Company,) Breach of Contract
Defendant(s).)

PLEASE SERVE:
CT CORPORATION SYSTEM,
REGISTERED AGENT OF
REPROGRAPHICS NORTHWEST, LLC.
1801 West Bay Drive NW, Ste. 206
Olympia, WA 98502

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court in Room 801, Richard J. Daley Center, Chicago, Illinois 60602 within 30 days after service of this summons, not counting the date of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF IN THE COMPLAINT. A COPY WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS, **MAY 02 2008**, 2008

СОВЕТСКИЙ ГОСУДАРСТВЕННЫЙ

Clerk of the Court

THE CHAET KAPLAN BAIM FIRM
Attorneys for Plaintiff
30 North LaSalle St., Suite 1520
Chicago, IL 60602
(312) 704-8510
Firm No. 37942

Date of Service: 2008

(To be inserted by officer on copy left with defendant or other person)

EXHIBIT B

Transmittal

05/19/2008

CT Log Number 513441531



TO: David Wallace, General Counsel
American Reprographics Company
1981 N. Broadway, Suite 385
Walnut Creek, CA 94596

RE: **Process Served in Washington**

FOR: Reprographics Northwest, LLC (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Instinctive Marketing Solutions, etc., Pltf. vs. Reprographics Northwest, LLC, etc., Dft.

DOCUMENT(S) SERVED: Summons, Complaint, Affidavit, Attachment

COURT/AGENCY: Cook County, Circuit Court of Illinois, IL
Case # 2008BL004836

NATURE OF ACTION: Monies Due and Owing - Services Rendered - Amount \$128,099.02 for printing

ON WHOM PROCESS WAS SERVED: CT Corporation System, Olympia, WA

DATE AND HOUR OF SERVICE: By Process Server on 05/19/2008 at 14:15

APPEARANCE OR ANSWER DUE: Within 30 days after service

ATTORNEY(S) / SENDER(S): Michael S. Bairn
The Chaet Kaplan Bairn Firm
30 North LaSalle St., Suite 1520
Chicago, IL 60602
213-704-8510

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 791069874662
Email Notification, Fred B Weil FWEIL@HANSONBRIDGETT.COM
Email Notification, Mark Legg mlegg@e-arc.com

SIGNED: CT Corporation System
PER: Michele Rowe
ADDRESS: 1801 West Bay Drive NW
Suite 206
Olympia, WA 98502
TELEPHONE: 360-357-6794